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Beverage Containers.

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Office of the Secretary of State
March Fong Eu


1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

TDD: (800) 833-8683

July 29, 1986

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS
AND PROPONENT (86139)

FROM: 
DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

Pursuant to Elections Code § 3520, subd. (b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: BEVERAGE CONTAINERS.
INITIATIVE STATUTE.

SUMMARY DATE: February 20, 1986

PROPONENT: Bill Shireman

DS/lgw

F.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820
TDD: (800) 833-8683

February 20, 1986

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (8636)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

BEVERAGE CONTAINERS.
INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required..... 393,835
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date..... Thursday, 2/20/86
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures... Thursday, 2/20/86
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county..... Monday, 7/21/86*
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State..... Monday, 7/28/86

(If the Proponent files the petition with the county on a date prior to 7/21/86, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* Date adjusted for official deadline which falls on Sunday. Elec. C., Sec. 60.

+ PLEASE NOTE: To the Proponent who may wish to qualify for the 1986 General Election. The law allows approximately 67 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 67 days. But if you want to be sure that this initiative qualifies for the 1986 General Election, you should file this petition with the county before April 18, 1986.

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties..... Sunday, 8/3/86**

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State..... Monday, 8/18/86

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 7/28/86, the last day is not later than the fifteenth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures..... Sunday, 8/24/86**

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State..... Tuesday, 9/23/86

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 8/18/86, the last day is not later than the thirtieth day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient..... Friday, 9/26/86

**Date varies based on receipt of county certification.

4. Campaign Statements:

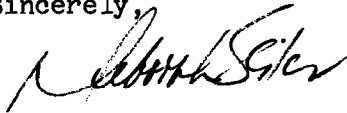
Last day to file a campaign statement of receipts
and expenditures for period ending 8/18/86 Monday, 8/25/86

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 7/21/86 the last date to file is the 35th calendar
day after the deadline for filing petitions or the date
of notification by the Secretary of State that the
measure has either qualified or failed to qualify, whichever
is earlier. The closing date for the campaign statement
is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Bill Shireman
8498 Sunblaze Way
Sacramento, CA 95823
(916) 443-5422

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate
format and type considerations in printing, typing, and otherwise preparing
your initiative petition for circulation and signatures. Your attention
is further directed to the campaign disclosure requirements of the
Political Reform Act of 1974, Government Code Section 81000 et seq.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

February 20, 1986

0879 (916) 324-5472

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

FILED
In the office of the Secretary of State
of the State of California

FEB 20 1986

MARCH FONG EU, Secretary of State

By Robert Burton
Deputy

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA85RF0023

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Robert Burton
Robert Burton
Deputy Attorney General

Enclosure

(RF-10, 6/83)

100

Date: February 20, 1986
File No.: SA 85 RF 0023

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

BEVERAGE CONTAINERS. INITIATIVE STATUTE. Requires manufacturers, distributors and dealers offer refillable beverage containers and bottles for sale. Requires that every beverage container sold, or offered for sale after designated date, have refund value established by distributor of not less than 5 cents. Requires container indicate refund value. Provides for payment of refunds either at dealers' place of business or its immediate vicinity or designated redemption centers. Specifies handling fees for dealers and redemption centers. Prohibits manufacturer from requiring deposit from a distributor on nonrefillable containers. Contains definitions, specified exceptions, conditions, and other matters. Provides violations are infractions punishable by fine. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could have a fiscal effect both on the state and on local governments. It could: (1) reduce litter cleanup costs, (2) reduce solid waste disposal costs and reduce fees for trash collection, and (3) have both positive and negative impacts on state and local tax revenues. The net impact of the measure's fiscal effect cannot be predicted.



Californians Against Waste

January 10, 1985

The Honorable John Van De Kamp
Attorney General
1515 K Street
Sacramento, California 95814

Attention: Deputy Attorney General Robert Burton

Dear Mr. Burton:

As per our discussion yesterday, enclosed please find a draft of the California Beverage Container Reuse and Recycling Act submitted to your office December 17, without the "wine cooler" amendment submitted December 19, with a further technical change to the violations section, and a correction of a typographical error. From my conversations yesterday I understand that these are minor technical changes that will not result in any delays in the processing of the petition. With these changes, the full version of the initiative petition is submitted herewith.

Section 14502(a) now reads as follows:

(a) "Beverage container" means beer and other malt beverages, carbonated mineral and soda waters, and similar carbonated soft drinks in liquid form and intended for human consumption.

Chapter 3, Section 14530 now reads as follows:

CHAPTER 3. VIOLATIONS

14530. A person convicted of violating any provision of this division is guilty of an infraction punishable by a fine not exceeding \$500.

Finally, to correct a typographical error which gave the same numerical designation to two sections, Chapter 4, Section 14530 now becomes Chapter 4, Section 14535.

Please let me know if I can answer any further questions.

Sincerely,

Bill Shireman, Proponent
8498 Sunblaze Way
Sacramento, California 95823

1/17/77

An act to add Division 12.1 (commencing with Section 14500) to the Public Resources Code, relating to beverage containers.

The people of the State of California do enact as follows:

DIVISION 12.1. BEVERAGE CONTAINER REUSE AND RECYCLING

CHAPTER 1. GENERAL PROVISIONS

14500. This division shall be known and may be cited as the Beverage Container Reuse and Recycling Act.

14501. The people of the State of California find and declare as follows:

(a) Littered beverage containers impose a high and unnecessary financial and environmental burden on the people of California.

(b) Littered beverage containers constitute an aesthetic blight, public nuisance, and safety hazard to the people of California.

(c) The disposal of beverage containers' after a single use represents a significant, costly, and unnecessary waste of important energy and material resources.

(d) The increasing use of disposable beverage containers imposes enormous and unjustified costs on local governments for municipal solid waste handling and litter control.

(e) Several states have significantly reduced the costs associated with disposable beverage containers by requiring that beverage containers carry a refund value as an incentive for their return.

(f) Returnable beverage containers in California would result in immediate and dramatic reductions in litter.

(g) Returnable beverage containers in California would significantly increase the reuse and recycling of these containers.

(h) Returnable beverage containers in California would result in greater overall employment while conserving expensive energy and other natural resources.

(i) Returnable beverage containers would encourage the use of low-cost refillable containers to reduce costs and inflation.

(j) Returnable beverage container systems result in few, if any, administrative burdens because they are self-enforcing.

(k) Returnable beverage containers would reduce costs by recycling waste which would otherwise be disposed at landfill's or burned in incinerators.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

February 20, 1986

(916) 324-5472

Mr. Bill Shireman
8498 Sunblaze Way
Sacramento, CA 95823

Re: Initiative Title and Summary.
Subject: BEVERAGE CONTAINERS
Our File No. SA85RF0023

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

A handwritten signature in cursive script, reading "Robert Burton", is written over the typed name.

Robert Burton
Deputy Attorney General

Attachment



DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: February 20, 1986

Subject: BEVERAGE CONTAINERS

Our File No.: SA85RF0023

Name of Proponent(s) and Address(es):

Mr. Bill Shireman
8498 Sunblaze Way
Sacramento, CA 95823

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on 2/20/86.

Beck Manning
Declarant

(1) Returnable beverage containers would save money for local and state governments by reducing litter and solid waste.

14502. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division:

(a) "Beverage" means beer and other malt beverages, carbonated mineral and soda waters, and similar carbonated soft drinks in liquid form and intended for human consumption.

(b) "Beverage container" means the individual, separate bottle, can, jar, carton, or other receptacle, however denominated, in which a beverage is sold, and which is constructed of metal, glass, or plastic, or any combination of these materials. "Beverage container" does not include cups and other similar open or loosely sealed receptacles that are filled at the premises of the seller and intended primarily for use on the premises of the seller.

(c) "Glass beverage container" means a beverage container the body of which consists primarily of glass.

(d) "Plastic beverage container" means a beverage container the body of which consists primarily of plastic.

(e) "All-aluminum beverage container" means a beverage container consisting primarily of aluminum.

(f) "Non-aluminum metal beverage container" means a beverage container consisting primarily of one or more metals, but which is not primarily aluminum.

(g) "Beverage bottle" means a beverage container the body of which consists primarily of either glass or plastic.

(h) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption, and every person not a distributor who lawfully comes into possession of a beverage container, whether or not filled with a beverage, including, but not limited to, lodging, eating, or drinking establishments.

(i) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, excepting a person who sells beverages through a vending machine to the extent of those beverages actually sold through the machine.

(j) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in these sales.

(k) "Empty beverage container" means a beverage container which is all of the following:

(1) Has the seal or closure installed by the manufacturer broken or removed.

(2) Does not contain foreign materials other than the residue of the beverage originally packaged in the beverage container by the manufacturer.

(3) Either bears the refund value embossing required pursuant to Section 14511, or is a glass refillable beverage container.

(4) Is not broken, crushed, or dismembered.

(l) "Manufacturer" means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.

(m) "Refillable beverage container" means a container which would ordinarily be returned to the manufacturer to be refilled and resold.

(n) "Nonrefillable beverage container" means a container which would not ordinarily be returned to the manufacturer to be refilled and resold.

(o) "Place of business of the dealer" means the location at which a dealer sells, or offers for sale, beverages in beverage containers to consumers. "Place of business of the dealer" does not mean the location of a vending machine which dispenses beverages in beverage containers.

(p) "Redemption center" means an operation which accepts from consumers, and pays a refund value for, beverage containers.

(q) "Use or consumption" includes the exercise of any right or power over a beverage incidental to the ownership thereof, other than the sale, or the keeping or retention, of a beverage for purposes of sale.

(r) "Universal product code" is an eleven-digit all-numeric code that represents a beverage container or other consumer package of a particular brand, size, type, and manufacturer by using a series of alternating bars and spaces for electronic scanning.

14503. The provisions of this division are a matter of statewide interest and concern and are applicable uniformly throughout the state, and it is the intention of this act to occupy the whole field of regulation of refund value of beverage containers as provided in this division. Therefore, no city or county, or other public agency, may adopt or enforce any ordinance, resolution, regulation, or rule relating to the refund value of beverage containers unless expressly authorized by this division.

CHAPTER TWO. REFUND VALUE.

14510. (a) Except as provided in subdivision (b), every beverage

container which is sold or offered for sale in this state, on and after June 1 of the year following the effective date of this act, shall have a refund value established by the distributor of not less than five cents (\$0.05).

(b) Subdivision (a) does not apply to any container which is sold and delivered to a railroad, sleeping car, or steamship company, or common carrier operating vessels, as defined in Section 236 of the Public Utilities Code, operating under a certificate of public convenience and necessity, or an air common carrier, for use and consumption on trains, vessels, or airplanes.

14511. (a) On and after June 1 of the year following the effective date of this act, a manufacturer shall clearly indicate on every beverage container sold or offered for sale by the manufacturer in this state the refund value of the container established pursuant to Section 14510 by either embossing the beverage container or, if the container is a glass refillable beverage container, by either embossing the beverage container or the seal or closure of the beverage container, or by securely affixing a clear and prominent stamp, label, or other device to the beverage container.

(b) On and after June 1 of the year following the effective date of this act, a manufacturer shall clearly emboss, stamp, label, or otherwise mark every beverage container with a universal product code or similar machine-readable indicia.

14512. (a) Except as provided by Section 14520, a dealer shall not refuse to accept from any consumer an empty beverage container which is of the same kind, size, and brand sold by the dealer, and shall not refuse to pay to such consumer the refund value of the beverage container established pursuant to Section 14510, at either one or both of the following locations:

(1) At the place of business of the dealer, or a parking or other facility in the immediate vicinity of the dealer.

(2) At a redemption center designated by the dealer which is convenient for its customers and in the general market area of each place of business of the dealer.

(b) A dealer or redemption center may issue refunds for empty beverage containers mechanically by means of any device which accepts certain containers and issues a cash refund or redeemable credit slip of not less than the refund value of the containers.

(c) A dealer who designates one or more redemption centers for return of containers shall post prominently the address and operating hours of one or more such redemption centers at each place where the beverages are displayed for sale to the consumer.

14513. Except as provided by Section 14520, a distributor shall not refuse to accept from any dealer any empty beverage container which is of the same kind, size, and brand sold by the distributor. The distributor shall not refuse to pay to the dealer the refund value

of the beverage container established pursuant to Section 14510. A distributor shall also pay one and one-half cents (\$.015) to the dealer for each empty beverage container which the distributor accepts.

14514. A redemption center may be established by any person, subject to appropriate state laws and local ordinances, at which location the kinds, sizes, and brands of beverage containers accepted for refund value shall be clearly posted.

14515. Except as provided by Section 14520, a distributor shall not refuse to accept from any redemption center, other than a dealer, at the location of the center, a quantity in excess of 5,000 beverage containers of the kinds, sizes, and brands sold by the distributor. The distributor shall not refuse to pay to the redemption center an amount equal to the refund value of the beverage container established pursuant to Section 14510. A distributor shall also pay one and one-half cents (\$.015) to the redemption center for each empty beverage container which the distributor accepts.

14516. A distributor shall not be required to pay a manufacturer a deposit on a nonrefillable beverage container.

14517. A distributor shall offer for sale to dealers and other customers a refillable beverage container of every brand of beverage offered for sale by the distributor, when a refillable beverage container of that brand is offered for sale by the manufacturer.

14518. A dealer shall offer for sale to consumers a refillable beverage container for at least one brand of beverage it offers for sale.

14519. A manufacturer shall make available by January 1 of the second year following the effective date of this act, for purchase by all its distributors, refillable beverage bottles of each brand and each size or a similar size within five ounces of beverages it produces and sells in beverage bottles.

14520. (a) A dealer or redemption center may refuse to accept from any consumer, or a distributor may refuse to accept from any dealer or redemption center, any of the following:

(1) An empty nonrefillable beverage container which is not embossed as required by Section 14511.

(2) An empty beverage container which is soiled, stained, or contaminated with any foreign matter, other than the residue of the beverage originally packaged therein, which, in the reasonable opinion of the dealer, redemption center, or distributor, might present a health or sanitation problem.

(3) An empty beverage container which is broken, crushed, or dismembered.

(b) A dealer may establish reasonable hours when a quantity of beverage containers in excess of 48 will be accepted from any one consumer, and may then refuse to accept that quantity during other hours.

14521. A distributor who has redeemed an empty beverage container shall not then redeem the same empty beverage container at the location of a dealer, redemption center, or another distributor.

CHAPTER 3. VIOLATIONS

14530. A person convicted of violating any provision of this division is guilty of an infraction punishable by a fine not exceeding \$500.

CHAPTER 4. OPERATIVE DATES

14535. This division applies only to beverage containers sold or offered for sale in this state on and after June 1 of the year following the effective date of this act.

CHAPTER 5. SEVERABILITY

14540. If any provision of this division or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this division, and to this end, the provisions of this division are severable and independent.

14541. Amendments to this division may be made only by a two-thirds affirmative vote of each house of the Legislature, and may be made only to achieve the objectives of this division.



Amendment #1 #379

(Rec'd 12-23-85 - 4:50PM)

Californians Against Waste

SABSRF0023

December 19, 1985

The Honorable John Van De Kamp
Attorney General
1515 K Street
Sacramento, California 95814

Attention: Deputy Attorney General Robert Burton

Dear Mr. Burton:

Enclosed please find a draft of the California Beverage Container Reuse and Recycling Act submitted to your office two days ago, with technical changes which clarify that the measure applies to so-called "wine cooler" containers.

The previous language in the measure defining beverages is intended to include wine coolers, and this additional technical language is designed to insure this proper interpretation.

Section 14502(a) now reads as follows:

(a) "Beverage" means beer and other malt beverages, wine coolers, carbonated mineral and soda waters, and similar carbonated soft drinks in liquid form and intended for human consumption. "Wine cooler" means a beverage containing wine to which is added concentrated or unconcentrated juice or flavoring material and containing not more than 7.5 percent alcohol by volume.

Preliminary words indicating that the act adds a division to the Public Resources Code have also been added.

Please let me know if I can answer any questions.

Sincerely,

Bill Shireman, Proponent
8498 Sunblaze Way
Sacramento, California 95823

An act to add Division 12.1 (commencing with Section 14500) to the Public Resources Code, relating to beverage containers.

The people of the State of California do enact as follows:

DIVISION 12.1. BEVERAGE CONTAINER REUSE AND RECYCLING

CHAPTER 1. GENERAL PROVISIONS

14500. This division shall be known and may be cited as the Beverage Container Reuse and Recycling Act.

14501. The people of the State of California find and declare as follows:

(a) Littered beverage containers impose a high and unnecessary financial and environmental burden on the people of California.

(b) Littered beverage containers constitute an aesthetic blight, public nuisance, and safety hazard to the people of California.

(c) The disposal of beverage containers after a single use represents a significant, costly, and unnecessary waste of important energy and material resources.

(d) The increasing use of disposable beverage containers imposes enormous and unjustified costs on local governments for municipal solid waste handling and litter control.

(e) Several states have significantly reduced the costs associated with disposable beverage containers by requiring that beverage containers carry a refund value as an incentive for their return.

(f) Returnable beverage containers in California would result in immediate and dramatic reductions in litter.

(g) Returnable beverage containers in California would significantly increase the reuse and recycling of these containers.

(h) Returnable beverage containers in California would result in greater overall employment while conserving expensive energy and other natural resources.

(i) Returnable beverage containers would encourage the use of low-cost refillable containers to reduce costs and inflation.

(j) Returnable beverage container systems result in few, if any, administrative burdens because they are self-enforcing.

(k) Returnable beverage containers would reduce costs by recycling waste which would otherwise be disposed at landfills or burned in incinerators.

(1) Returnable beverage containers would save money for local and state governments by reducing litter and solid waste.

14502. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division:

(a) "Beverage" means beer and other malt beverages, wine coolers, carbonated mineral and soda waters, and similar carbonated soft drinks in liquid form and intended for human consumption. "Wine cooler" means a beverage containing wine to which is added concentrated or unconcentrated juice or flavoring material and containing not more than 7.5 percent alcohol by volume.

(b) "Beverage container" means the individual, separate bottle, can, jar, carton, or other receptacle, however denominated, in which a beverage is sold, and which is constructed of metal, glass, or plastic, or any combination of these materials. "Beverage container" does not include cups and other similar open or loosely sealed receptacles that are filled at the premises of the seller and intended primarily for use on the premises of the seller.

(c) "Glass beverage container" means a beverage container the body of which consists primarily of glass.

(d) "Plastic beverage container" means a beverage container the body of which consists primarily of plastic.

(e) "All-aluminum beverage container" means a beverage container consisting primarily of aluminum.

(f) "Non-aluminum metal beverage container" means a beverage container consisting primarily of one or more metals, but which is not primarily aluminum.

(g) "Beverage bottle" means a beverage container the body of which consists primarily of either glass or plastic.

(h) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption, and every person not a distributor who lawfully comes into possession of a beverage container, whether or not filled with a beverage, including, but not limited to, lodging, eating, or drinking establishments.

(i) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, excepting a person who sells beverages through a vending machine to the extent of those beverages actually sold through the machine.

(j) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in these sales.

(k) "Empty beverage container" means a beverage container which is all of the following:

(1) Has the seal or closure installed by the manufacturer broken or removed.

(2) Does not contain foreign materials other than the residue of the beverage originally packaged in the beverage container by the manufacturer.

(3) Either bears the refund value embossing required pursuant to Section 14511, or is a glass refillable beverage container.

(4) Is not broken, crushed, or dismembered.

(l) "Manufacturer" means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.

(m) "Refillable beverage container" means a container which would ordinarily be returned to the manufacturer to be refilled and resold.

(n) "Nonrefillable beverage container" means a container which would not ordinarily be returned to the manufacturer to be refilled and resold.

(o) "Place of business of the dealer" means the location at which a dealer sells, or offers for sale, beverages in beverage containers to consumers. "Place of business of the dealer" does not mean the location of a vending machine which dispenses beverages in beverage containers.

(p) "Redemption center" means an operation which accepts from consumers, and pays a refund value for, beverage containers.

(q) "Use or consumption" includes the exercise of any right or power over a beverage incidental to the ownership thereof, other than the sale, or the keeping or retention, of a beverage for purposes of sale.

(r) "Universal product code" is an eleven-digit all-numeric code that represents a beverage container or other consumer package of a particular brand, size, type, and manufacturer by using a series of alternating bars and spaces for electronic scanning.

14503. The provisions of this division are a matter of statewide interest and concern and are applicable uniformly throughout the state, and it is the intention of this act to occupy the whole field of regulation of refund value of beverage containers as provided in this division. Therefore, no city or county, or other public agency, may adopt or enforce any ordinance, resolution, regulation, or rule relating to the refund value of beverage containers unless expressly authorized by this division.

CHAPTER TWO. REFUND VALUE.

14510. (a) Except as provided in subdivision (b), every beverage container which is sold or offered for sale in this state, on and after June 1 of the year following the effective date of this act, shall have a refund value established by the distributor of not less than five cents (\$.05).

(b) Subdivision (a) does not apply to any container which is sold and delivered to a railroad, sleeping car, or steamship company, or common carrier operating vessels, as defined in Section 238 of the Public Utilities Code, operating under a certificate of public convenience and necessity, or an air common carrier, for use and consumption on trains, vessels, or airplanes.

14511. (a) On and after June 1 of the year following the effective date of this act, a manufacturer shall clearly indicate on every beverage container sold or offered for sale by the manufacturer in this state the refund value of the container established pursuant to Section 14510 by either embossing the beverage container or, if the container is a glass refillable beverage container, by either embossing the beverage container or the seal or closure of the beverage container, or by securely affixing a clear and prominent stamp, label, or other device to the beverage container.

(b) On and after June 1 of the year following the effective date of this act, a manufacturer shall clearly emboss, stamp, label, or otherwise mark every beverage container with a universal product code or similar machine-readable indicia.

14512. (a) Except as provided by Section 14520, a dealer shall not refuse to accept from any consumer an empty beverage container which is of the same kind, size, and brand sold by the dealer, at either one or both of the following locations:

(1) At the place of business of the dealer, or a parking or other facility in the immediate vicinity of the dealer.

(2) At a redemption center designated by the dealer which is convenient for its customers and in the general market area of each place of business of the dealer.

(b) A dealer or redemption center may issue refunds for empty beverage containers mechanically by means of any device which accepts certain containers and issues a cash refund or redeemable credit slip of not less than the refund value of the containers.

(c) A dealer who designates one or more redemption centers for return of containers shall post prominently the address and operating hours of one or more such redemption centers at each place where the beverages are displayed for sale to the consumer.

14513. Except as provided by Section 14520, a distributor shall not refuse to accept from any dealer any empty beverage container

which is of the same kind, size, and brand sold by the distributor. The distributor shall not refuse to pay to the dealer the refund value of the beverage container established pursuant to Section 14510. A distributor shall also pay one and one-half cents (\$0.015) to the dealer for each empty beverage container which the distributor accepts.

14514. A redemption center may be established by any person, subject to appropriate state laws and local ordinances, at which location the kinds, sizes, and brands of beverage containers accepted for refund value shall be clearly posted.

14515. Except as provided by Section 14520, a distributor shall not refuse to accept from any redemption center, other than a dealer, at the location of the center, a quantity in excess of 5,000 beverage containers of the kinds, sizes, and brands sold by the distributor. The distributor shall not refuse to pay to the redemption center an amount equal to the refund value of the beverage container established pursuant to Section 14510. A distributor shall also pay one and one-half cents (\$0.015) to the redemption center for each empty beverage container which the distributor accepts.

14516. A distributor shall not be required to pay a manufacturer a deposit on a nonrefillable beverage container.

14517. A distributor shall offer for sale to dealers and other customers a refillable beverage container of every brand of beverage offered for sale by the distributor, when a refillable beverage container of that brand is offered for sale by the manufacturer.

14518. A dealer shall offer for sale to consumers a refillable beverage container for at least one brand of beverage it offers for sale.

14519. A manufacturer shall make available by January 1 of the second year following the effective date of this act, for purchase by all its distributors, refillable beverage bottles of each brand and each size or a similar size within five ounces of beverages it produces and sells in beverage bottles.

14520. (a) A dealer or redemption center may refuse to accept from any consumer, or a distributor may refuse to accept from any dealer or redemption center, any of the following:

(1) An empty nonrefillable beverage container which is not embossed as required by Section 14511.

(2) An empty beverage container which is soiled, stained, or contaminated with any foreign matter, other than the residue of the beverage originally packaged therein, which, in the reasonable opinion of the dealer, redemption center, or distributor, might present a health or sanitation problem.

(3) An empty beverage container which is broken, crushed,

or dismembered.

(b) A dealer may establish reasonable hours when a quantity of beverage containers in excess of 48 will be accepted from any one consumer, and may then refuse to accept that quantity during other hours.

14521. A distributor who has redeemed an empty beverage container shall not then redeem the same empty beverage container at the location of a dealer, redemption center, or another distributor.

CHAPTER 3. VIOLATIONS

14530. A person convicted of violating any provision of this division shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00), or imprisonment in the county jail for not more than six months, for each violation, or by both fine and imprisonment.

CHAPTER 4. OPERATIVE DATES

14530. This division applies only to beverage containers sold or offered for sale in this state on and after June 1 of the year following the effective date of this act.

CHAPTER 5. SEVERABILITY

14540. If any provision of this division or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this division, and to this end, the provisions of this division are severable and independent.

14541. Amendments to this division may be made only by a two-thirds affirmative vote of each house of the Legislature, and may be made only to achieve the objectives of this division.

NEWS RELEASE

from: Secretary of State March Fong Eu
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For Immediate Release
February 21, 1986

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TWO MORE INITIATIVES ENTER CIRCULATION REPORTS EU

SACRAMENTO — Beverage containers and a "star wars" defense treaty are the subjects of two new initiatives that have been approved for circulation Secretary of State March Fong Eu announced today (Feb. 21).

Both measures are initiative statutes which require 393,835 valid signatures to earn a place on the ballot. The legal 150-day deadline for submission of signatures is July 21; however, should the proponents wish to qualify their measures for the Nov. 4 general election ballot, they are encouraged to submit all signatures by Apr. 18 in order to allow sufficient time for the full signature verification process before the June 26 ballot measure qualification deadline.

Declaring that "littered beverage containers impose a high and unnecessary financial and environmental burden on the people of California," Bill Shireman of Sacramento has launched the effort to qualify the initiative statute which would require manufacturers, distributors and dealers to offer refillable containers and bottles for sale. The measure would require that distributors establish a refund value of not less than five cents, to be indicated on the container, for every beverage container offered for sale after June 1 of the year the measure became effective. Refunds would be paid at the dealers' place of business or at designated redemption centers. The measure would further prohibit manufacturers from requiring a deposit from distributors for nonrefillable containers.

Proponent Shireman can be reached at (916) 443-5422.

William D. Flannery of North Hollywood, telephone (818) 985-5354, is heading the drive to qualify the "Earth Orbit Weapons Treaty" initiative statute. This

(over)

would enact a statute that states: "We the people of the state of California do hereby urge that the government of the United States propose, negotiate, and conclude a treaty with the Soviet Union that will completely and permanently prohibit both nations from putting weapons of any type into earth orbit."

Copies of both initiatives, their titles and summaries and circulation calendars are attached.

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